

REMARKS

Applicant notes with appreciation that claims 20 and 22 would be allowable if amended to overcome the rejection(s) under 35 USC 112, 2nd paragraph, and that claims 12, 13 and 17 would be allowable if rewritten in independent form to include all of the limitations of their base claim and any intervening claims. These claims have been amended in a manner believed to place them in condition for allowance.

In response to the rejection of claims 1, 6, 7, 17, 20 and 22-24 under 35 USC 112, these claims have been amended to improve their readability and to eliminate issues of double inclusion, without inclusion of any subject matter that was not previously present in the claims.

Claims 16, 21 and 27 have been cancelled

The rejection of claims 1, 6, 7, 23 and 24, under 35 U.S.C. 102(b) as anticipated by Brown et al. 4,266,726, is respectfully traversed. These claims all require that a lower flow rate of beverage be provided at one or both of the start of beverage dispense and the end of beverage dispense by selectively opening or closing the at least two dispense valves at different times during beverage dispense, such that at one or both of the start of beverage dispense and the end of beverage dispense at least one, but less than all, of said at least two dispense valves are closed.

The feature of dispensing a beverage through use of at least two beverage dispense valves, and of selectively opening or closing the at least two beverage dispense valves at different times during dispense of a beverage, to provide a reduced beverage

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dispense rate at one or both of the beginning and end of beverage dispense, is not found in or suggested by the teachings of Brown et al. Brown et al. teach, at column 5, lines 49-54, that a handle 125 is moved to energize solenoids 19 and 27 for an appropriate time to permit flow of the proper amounts of concentrate and water, but in the absence of further teachings that can only reasonably be interpreted to mean that movement of the handle 125 actuates both solenoids 19 and 27 simultaneously and for a time to dispense a beverage of predetermined size, whereupon both solenoids are simultaneously de-actuated. There simply is no teaching or suggestion in Brown et al. that their beverage concentrate and water valves can or should be selectively controlled to individually be opened and closed at different times during a beverage dispense, and certainly not at such times as to provide a reduced beverage flow at the beginning and/or end of a beverage dispense.

The teachings the examiner attributes to Brown et al. appear to be found only in applicant's specification, and not in the reference itself. The examiner refers to column 3, line 27 to column 5 line 56 of Brown et al. as teaching the above discussed limitations of applicant's claims, but that comprises the entirety of the Detailed Description of Brown et al., and in reviewing that description applicant has failed to find any disclosure that the examiner might rely upon to support the rejection of claims 1, 6, 7, 23 and 24. If the examiner contends that Brown et al. teach that their beverage concentrate and water valves are or can be selectively controlled to be opened and closed at different times during a beverage dispense, so as to provide a reduced flow rate at the

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beginning and/or end of a beverage dispense, then to provide a proper basis for the rejection and so that applicant might be able to address the issue on any necessary appeal, it is requested that the examiner identify the particular teaching of Brown et al. being relied upon.

Under the circumstances, it appears that Brown et al. neither anticipate nor make obvious independent claim 1 and its dependent claims 6, 7, 23 and 24, and it is respectfully submitted that those claims are allowable.

In view of the foregoing, and as all of the claims remaining in the application appear to be allowable, favorable reconsideration and early passage of the application to allowance are respectfully requested.

Respectfully submitted,



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